

-- REMARKS --

Claims 1-8. In the Non-Final Office Action, Examiner Shah rejected pending claims 1-8 on various grounds. The Applicant responds to each rejection as subsequently recited herein, and respectfully requests reconsideration and further examination of the present application under 37 C.F.R. § 1.112:

- A. Examiner Shah rejected claims 1-8 under 35 U.S.C. §112, ¶1 as failing to comply with the enablement requirement

The Applicant has thoroughly considered Examiner Shah's remarks concerning the compliance of the enablement requirement by claims 1-8. To warrant this §112, ¶1 rejection of claims 1-8, the specification must not contain sufficient information regarding the subject matter of claims 1-8 as to enable one skilled in the pertinent art to make and use the claimed invention at the time of the filing of the present application without undue or unreasonable experimentation. See, MPEP §2164.01. The Applicant respectfully traverses this §112, ¶1 rejection of claims 1-8, because the specification does contain sufficient information regarding the subject matter of claims 1-8 as to enable one skilled in the pertinent art to make and use the claimed invention at the time of the filing of the present application without undue or unreasonable experimentation.

Specifically, techniques for multiplexing separate signals to a single output channel based on time, space or frequency were well known in the art at the time of filing of the present application. Thus, the specification description at page 3, lines 25-28 of “the measurement unit has a single output channel, preferably a single analog output channel, which is supplied to the processor 12. The measurement unit operates to output one of the accelerometer signals at any one time via the output channel. The accelerometer signals are output in turn to the output channel via the measurement unit” informs one skilled in the art of the claimed invention that, at the time the application was filed, (1) there existed known multiplexing techniques for outputting

the accelerometer signals via a single output channel and (2) the inventors of the present invention did not possess a best multiplexing technique among the known multiplexing techniques for outputting the accelerometer signals via a single output channel. Thus, one skilled in the art of the claimed invention could selectively use one or more known multiplexing techniques of his or her choosing for outputting the accelerometer signals via a single output channel without any undue experimentation.

Additionally, technique for switching an output of a sensor between an active state and an inactive state based on time, space or frequency were also well known in the art at the time of filing of the present application. Thus, the specification description at page 3, line 30 to page 4, line 2 of "the measurement unit can operate the output channel discontinuously during the output of each accelerometer signal. Figure 3 is a flow diagram illustrating the cycled outputs of the measurement unit. As will be appreciated from Figure 3, each of the outputs a_x , a_y and a_z are output in turn from the measurement unit. This is further illustrated in Figure 4. For the sake of clarity, no particular output signal is shown in Figure 4, but the time periods during which the respective accelerometer signals are output are shown." informs one skilled in the art of the claimed invention informs one skilled in the art of the claimed invention that, at the time the application was filed, (1) there existed known switching techniques for switching an output of a sensor between an active state and an inactive state within a time division scheme, and (2) the inventors of the present invention did not possess a best switching technique among the known switching techniques for switching an output of a sensor between an active state and an inactive state within a time division scheme. Thus, one skilled in the art of the claimed invention could selectively use one or more known switching techniques of his or her choosing for switching an output of a sensor between an active state and an inactive state within a time division scheme without any undue experimentation.

In summary, the Applicant's lack of a best known multiplexing techniques and a best known switching technique among known multiplexing and switching techniques for practicing the claimed invention does not represent a failure of the Applicant to comply with the enablement requirement. Withdrawal of the rejection of claims 1-8 under 35 U.S.C. §112, ¶1 as failing to comply with the enablement requirement is therefore respectfully requested.

B. Examiner Shah rejected claims 1-7 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,723,786 to *Klapman*

The Applicant has thoroughly considered Examiner Shah's remarks concerning the patentability of claims 1-7 over the *Klapman*. The Applicant has also thoroughly read the *Klapman*. To warrant this §102(b) rejection of claims 1-7, *Klapman* must show each and every limitation of independent claims 1 and 6 in as complete detail as is contained independent claims 1 and 6. See, MPEP §2131. The Applicant respectfully traverses this §102(b) rejection of independent claims 1 and 6, because, among other things, *Klapman* fails to show “characterized in that the measurement unit and the processor are both attached to an object being monitored by the activity monitor” in as complete detail as recited in independent claim 1, and “characterized in that the sensor signals are monitored in turn via a single channel at the object being monitored” in as complete detail as recited in independent claim 6.

As to the traversal, a proper understanding of *Klapman* reveals the fact that *Klapman* teaches a measurement unit 14 (FIG. 3 of *Klapman*) being attached to the object being monitored and a processor 38 (FIG. 5 of *Klapman*) of a display 16 (FIG. 3 of *Klapman*) being unattached to the object being monitored wherein the sensor signals are not monitored via a single channel at the object being monitored, but by processor 38 within unattached display 16.

Withdrawal of the rejection of independent claims 1 and 6 under 35 U.S.C. §102(b) as being anticipated by *Klapman* is therefore respectfully requested.

Claims 2-5 depend from independent claim 1. Therefore, dependent claims 2-5 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 2-5 are allowable the *Klapman* for at least the same reason as set forth herein with respect to independent claim 1 being allowable *Klapman*. Withdrawal of the rejection of dependent claims 2-5 under 35 U.S.C. §102(b) as being anticipated by *Klapman* is therefore respectfully requested.

Claim 7 depends from independent claim 6. Therefore, dependent claim 7 includes all of the elements and limitations of independent claim 6. It is therefore respectfully submitted by the Applicant that dependent claim 7 is allowable the *Klapman* for at least the same reason as set forth herein with respect to independent claim 6 being allowable *Klapman*. Withdrawal of the rejection of dependent claim 7 under 35 U.S.C. §102(b) as being anticipated by *Klapman* is therefore respectfully requested.

Claims 9-12. The Applicant respectfully asserts that new claims 9-12 are allowable over the art of record, because the art of record fails to teach or suggest “characterized in that the processor is operable to sample the output channel of the measurement unit discontinuously in time” as recited in independent claim 9. In particular, *Klapman* fails to teach or suggest a processor 38 (FIG. 5) being operable to sample an output channel of measurement unit 14 (FIG. 3) discontinuously in time.

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SUMMARY

The Applicant respectfully submits that claims 1-12 fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Shah is respectfully requested to contact the undersigned at the telephone number listed below.

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Respectfully submitted,
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